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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,528	07/07/2000	Raymond Anthony Joao	RJ150	7110

7590 10/03/2002  
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122 Bellevue Place  
Yonkers, NY 10703

EXAMINER

COBY, FRANTZ

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

AO

# Office Action Summary

Application No.  
09/612,528

Applicant(s)  
Joao

Examiner  
Frantz Coby

Art Unit  
2171



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jul 7, 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) NONE is/are withdrawn from consideration.
- 5) ☒ Claim(s) NONE is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) NONE is/are objected to.
- 8) ☒ Claims NONE are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) ☐ Other:

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This is in response to Application filed on July 07, 2000 in which claims 1-20 are presented for examination.

***Information Disclosure Statement***

1. The information disclosure statement filed on September 26, 2000 is in compliance with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because . It has been placed in the application file, and the information referred to therein has been considered as to the merits.

***Specification***

The specification is objected to because the Abstract is more than 150 words and it is in more than one single sheet.

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor U.S.

Patent no. 5,832,497 in view of Walker et al. U.S. Patent no. 5,884,270.

5. As per claim 1, Taylor discloses "an apparatus for providing job searching services, recruitment services or recruitment related services" by providing a computer system useful for an employment recruitment environment and capable of searching job records to identify a job record suitable to particular applicant (See Taylor Abstract). In particular, Taylor discloses the claimed limitations "a processor for processing a request for at least one of a job search, an assignment search, and a recruitment search, wherein said processor generates a search report containing at least one of at least one job opening, at least one assignment opening, and at least one candidate"

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as a process controller (See Taylor Figure 1, component 101; Col. 2, line 11). Also, Taylor discloses the claimed feature “a transmitter for transmitting said search report to at least one of an individual requesting said job search, an individual requesting said assignment search, and employer requesting said recruitment search and a hiring entity requesting said recruitment search” as a communication port suitable for transmitting and receiving data and instructions in the form of electrical signals to and from remote computers (See Taylor Figure 1, component 102; Col. 2, lines 5-9). Further, Taylor discloses the claimed limitations “a receiver for receiving a reply from the at least one of an individual requesting said job search, an individual requesting said assignment search, an employer requesting said recruitment search and a hiring entity requesting said recruitment search” as a means for reporting all variable in a search key fields of records which satisfy the search conditions (See Taylor Col. 2, lines 17-19).

It is noted, however, Taylor did not specifically disclose the aspect of messages transmitted to a party identified in the search report as recited in the instant claim 1. On the other hand, Walker et al. disclose an employment searching system where the aforementioned aspect is achieved as receiving criteria for candidates of interest from an employer and authorization from the candidates, then the central processor releases to the employer the employment data associated with the candidates (See Walker et al. Abstract; Col. 5, lines 5-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the employment recruitment system of Taylor wherein the iterative search engine provided thereof (See Taylor Figure 1, component 106) would have incorporated the data

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exchange mechanism of Walker et al. The motivation being to have provided and efficient anonymous communication system that allows users to exercise control over the release of information to others (See Walker et al. Col. 4, lines 8-11).

As per claim 2, most of the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Walker et al. disclose the claimed features "first communication device associated with the at least one of an individual requesting said job search" as a requestor terminal (See Walker et al. Figure 1, component 400). Also, Walker et al. achieve the claimed limitations "second communication device associated with the party identified in the search report" as party terminal (See Walker et al. Figure 2, component 300).

As per claim 3, most of the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Taylor discloses the claimed features "a memory device comprising a database for storing information regarding at least one of job openings, job descriptions, assignment openings, assignment descriptions, employers, hiring entities, individuals, job candidates, resumes of individuals, and credentials of individuals, independent contractors, resume of independent contractors, and credentials of independent contractors" as Resume Database and Job Database (See Taylor Figure 1, components 103 and 105).

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As per claim 4, most of the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Taylor discloses the claimed feature -performing a database search in response to said request for at least one of a job search- (See Taylor Abstract).

As per claims 5-11, most of the limitations of these claims have been noted in the rejection of claim 3. Applicant's attention is directed to the rejection of claim 3 above. In addition the limitations of these claims are well known in the art and are used for efficient data handling.

As per claim 12, both Taylor and Walker et al. can be implemented as an apparatus, system and method. Therefore, claim 12 is rejected as set forth in claim 1 above.

As per claim 13, all the limitations of this claim have been noted in the rejection of claim 1. It is therefore rejected as set forth above.

As per claims 15-19 most of the limitations of these claims have been noted in the rejection of claim 13. Applicant's attention is directed to the rejection of claim 13 above. In addition the limitations of these claims are well known in the art and are used for efficient data handling.

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As per claim 20, all the limitations of this claim have been noted in the rejection of claim 1. It is therefore rejected as set forth above.

6. Claims 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor U.S. Patent no. 5,832,497 in view of Walker et al. U.S. Patent no. 5,884,270 as applied to claims 1-13 above, and further in view of McGovern et al. U.S. Patent no. 5,978,768.

As per claim 14, most of the limitations of this claim have been noted in the rejection of claim 13. Applicant's attention is directed to the rejection of claim 13 above.

It is noted, however, neither Taylor nor Walker et al. Specifically detail the aspect of "at least one of monitors at least one of an interaction with and negotiation between at least one an individual and an independent contractor and at least one of an employer and a hiring entity". On the other hand, McGovern et al. disclose the aforementioned limitations by providing an interactive computer-driven employment recruiting service including capability of monitoring employment advertisements for a job seeker (See McGovern et al. Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the combination of Taylor and Walker et al. recited in above by incorporating the monitoring methodology of McGovern et al. The motivation being to have provided a job



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search system that can notify a job seeker when a position for which the job seeker is suitable becomes available (See McGovern et al. Abstract).

***Conclusion***

**Any response to this action should be mailed to:**

Commissioner of Patents and trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 305-9051, (for formal communications  
intended for entry)

**Or:**

(703) 308-5357 (for informal of draft  
communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz Coby whose telephone number is (703) 305-4006. The examiner can normally be reached Monday through Friday from 9:30 A.M. to 5:00 P.M.

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8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-14367. The Fax phone number for this Group is (703) 746-7238; (703) 746-7239; (703) 746-7240.

A handwritten signature in black ink, appearing to read "Frantz Coby", written over a horizontal line.

**FRANTZ COBY  
PRIMARY EXAMINER**

*Technology Center 2171*

September 18, 2002